

Amendment No. 2 to HB3309

Fitzhugh
Signature of Sponsor

AMEND Senate Bill No. 3399

House Bill No. 3309*

By deleting all language after the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 42-3-102, is amended by deleting subdivision (8) in its entirety and by substituting instead the following language:

(8) "Governing body" means the official or officials authorized by law to exercise ordinance or other law-making powers of a municipality, county or political subdivision of another state;

SECTION 2. Tennessee Code Annotated, Section 42-3-104(a), is amended by deleting subdivision (3) in its entirety and by substituting instead the following language:

(3) In addition to the procedure set forth in subdivisions (a)(1) and (2), when three (3) or more municipalities and counties and at least one (1) political subdivision of another state jointly create and participate in a regional airport commission and a majority of such municipalities and counties, by resolution of each, recommend the creation of a regional airport authority, and upon each participating municipality and county and political subdivision of another state entering an interlocal agreement pursuant to title 12, chapter 9, part 1, that is approved by the attorney general and reporter before the interlocal agreement takes effect, then each participating municipality, county and political subdivision of another state shall, by resolution of each, create a public body, corporate and politic, to be known as a regional airport authority,

which shall be authorized to exercise its functions upon the issuance by the secretary of state of a certificate of incorporation. The governing body of each participating municipality and the governing body of each participating county and the governing body of each political subdivision of another state shall, pursuant to its resolution, appoint the same number of persons as commissioners of the authority as existed in the regional airport commission. The number of commissioners appointed from each participating municipality, county and political subdivision of another state shall be specified in the certificate of incorporation. When the appointed commissioners convene, their first item of business shall be to appoint one (1) additional commissioner. If the commissioners cannot agree on the appointment of the additional commissioner, that position shall be filled by appointment of the governor.

(4)

(A) A commissioner or all of the commissioners of an authority may be removed for incompetency, failure or neglect to perform the duties required by law, malfeasance, misfeasance, misconduct or corruption in office or for any other good and sufficient reason.

(B) If the governor makes an appointment pursuant to subdivision (a)(1), (a)(2) or (a)(3), the governor is authorized to remove the commissioner so appointed upon written charges and after a public hearing.

(C) The governing body of the municipality, county, political subdivision of another state or the commissioners of the regional airport authority, as appropriate, that made the original appointment or appointments pursuant to subdivision (a)(1), (a)(2) or (a)(3) are authorized to remove the commissioner or commissioners so appointed by a two-thirds (2/3) vote of the governing body of the municipality, county, political subdivision of another state or regional airport authority, as appropriate, upon written charges and after a public hearing.

(D) If removed, a vacancy shall exist on the authority of the commissioner or commissioners so removed and the vacancy shall be filled for the unexpired term by the governing body of the municipality, county, political subdivision of another state or the commissioners of the regional airport authority or the governor, as appropriate, in the same manner as in the case of the original appointment.

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.